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ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.  
  
Plaintiff,  
  
v.  
  
GOOGLE INC.  
  
Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF MARC PETERS IN  
SUPPORT OF ORACLE AMERICA,  
INC.'S MOTION TO AMEND  
INFRINGEMENT CONTENTIONS AND  
SUPPLEMENT EXPERT REPORTS**

Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

1 I, Marc David Peters, declare as follows:

2 I am a partner at Morrison & Foerster LLP and am counsel of record to Plaintiff Oracle  
3 America, Inc. I have personal knowledge of the matters set forth herein and, if called to testify,  
4 could and would testify competently to the following.

5 1. On February 27, 2012, I notified Google of Oracle's intention to request leave of  
6 Court to supplement its infringement contentions and infringement reports to identify additional  
7 evidence to address the Court's recent construction of the term "at runtime." I provided Google  
8 with the proposed Supplemental Expert Report of John C. Mitchell Regarding Infringement of the  
9 '205 Patent, Oracle's proposed supplemental '205 B-2 infringement chart, and a redline showing  
10 changes to the chart. I asked whether Google would oppose Oracle's request for leave to amend.

11 2. On February 29, 2012, Google counsel notified me that Google would oppose  
12 Oracle's request to make the supplementations.

13 3. Attached hereto as Exhibit A is a true and correct copy of a redline showing  
14 Oracle's proposed changes to the '205 B-2 infringement chart, served on Google on February 27,  
15 2012.

16 4. Attached hereto as Exhibit B is a true and correct copy of the proposed  
17 Supplemental Expert Report of John C. Mitchell Regarding Infringement of the '205 Patent,  
18 served on Google on February 27, 2012. **(FILED UNDER SEAL)**

19 5. Attached hereto as Exhibit C is a true and correct copy of relevant portions of the  
20 Expert Report of David I. August, Ph.D. Regarding the Non-Infringement of U.S. Patent No.  
21 6,910,205.

22 I declare under penalty of perjury under the laws of the United States that to the best of  
23 my knowledge the foregoing is true and correct. Executed on March 12, 2012, in Palo Alto,  
24 California.

25 \_\_\_\_\_  
26 /s/ Marc David Peters  
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